

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Reynaldo Morales,

Case No. 24-CV-1091 (NEB/ECW)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

MN DOC, MCF-Faribault, Nursing  
Staff @ MCF-Faribault, Paul Snell, Jodi  
Atinsted, and Nurse Albers,

Defendants.

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On April 2, 2024, this Court issued an Order requiring Plaintiff Reynaldo Morales to submit an initial partial filing fee of \$44.47. (*See* Dkt. 3 at 3.) The Order gave Morales 21 days—that is, until April 23, 2024—to pay this fee, failing which the Court would recommend dismissing this action without prejudice for failure to prosecute. (*See id.*) Morales has not submitted the required fee; indeed, he has not communicated with the Court at all since filing this action. Accordingly, this Court now recommends dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
**IT IS RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**  
under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: May 2, 2024

s/Elizabeth Cowan Wright  
ELIZABETH COWAN WRIGHT  
United States Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).